

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS TROESTER, on)
behalf of himself and)
all others similarly)
situated,) Case No.
Plaintiffs,) 2:12-cv-07677-GAF-PJW
VS.)
STARBUCKS CORPORATION, a)
Washington Corporation;)
and DOES 1-50, inclusive,)
Defendants.)
_____)

Deposition of JANA RUTT, the witness, taken
on behalf of the Plaintiff, on Wednesday, January 8,
2014, 10:10 A.M. at 9454 Wilshire Boulevard, Suite
711, Beverly Hills, California 90212, before GINA M.
CLOUD, CSR No. 6315, pursuant to NOTICE.

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1 BY MR. SETAREH:

2 Q. I'm trying to understand why you think that
3 this time is not compensable?

4 MR. KNOPP: Objection, asked and answered,
5 several times.

6 THE WITNESS: I don't think it's work time.

7 BY MR. SETAREH:

8 Q. And why not?

9 MR. KNOPP: Objection, asked and answered.

10 THE WITNESS: We've previously talked about
11 those things that were considered work time. I
12 think once they've locked the door and they're
13 leaving the premises and walking to their car, I
14 don't believe that's work time. I wouldn't expect
15 to get compensated to walk to my car.

16 BY MR. SETAREH:

17 Q. Remember Exhibit 1, isn't this part of the
18 Store Operations Manual, this document that we're
19 looking at, Exhibit 7?

20 A. Exhibit 6 is part of a training program for
21 shift supervisors, listed at the bottom, shift
22 supervisor 100.

23 Q. When they receive the employee handbook,
24 you're telling them that if they don't follow the
25 policies, they're subject to discipline or

1 determination, correct?

2 A. Correct, but this is a training manual.

3 Q. So you're telling me, let's say if I forgot
4 to upload the data at the end of the day. Would I
5 be subject to discipline if I failed to do that?

6 MR. KNOPP: Objection, beyond the scope of
7 the designation, lack of foundation.

8 THE WITNESS: So I would state that in the
9 service of the business, uploading the data is part
10 of their job duties and responsibilities. It's
11 contained in the Store Operations Manual and there
12 could be some sort of coaching, and if done multiple
13 times, potentially some sort of disciplinary action,
14 but again, I'm sort of hypothesizing what might
15 occur.

16 BY MR. SETAREH:

17 Q. As an HR representative, isn't it part of
18 your duties to recommend hiring, firing and
19 discipline of the employees?

20 A. Yes, that's an element of my role.

21 Q. So as an element of your role, as the
22 person that manages, that's the head of HR for the
23 whole Southern United States, is your testimony here
24 today that there are sections of this -- of these
25 policies that employees do not have to follow?

1 A. This isn't a policy. This is a training
2 manual.

3 Q. So there's sections of the training manual
4 that they do not have to follow?

5 A. I think that mischaracterizes what I'm
6 saying. What I'm saying is there would be
7 disciplinary action for not adhering to our policies
8 and procedures, but each situation obviously is
9 unique.

10 Q. For the closing of the store, there are
11 numerous closing tasks?

12 A. Right.

13 Q. Other than walking the partners to their
14 vehicles, tell me what other ones are the, quote,
15 unquote, courtesy that you had said is just a
16 courtesy and they're not required to do?

17 A. I specifically said I feel walking someone
18 to the car was common courtesy. As it relates to are
19 you asking me are there other closing tasks that may
20 or may not require discipline? I'm not sure I
21 understand your question.

22 Q. Are there any of these other tasks that
23 aren't required of them to do?


24 A. Required? Let me review. I would say if
25 they didn't check their voicemail, it probably

DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the state of California that the foregoing is true and correct.

executed on the 16th day of January 2014, at Winchester, California.


W I T N E S S

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This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

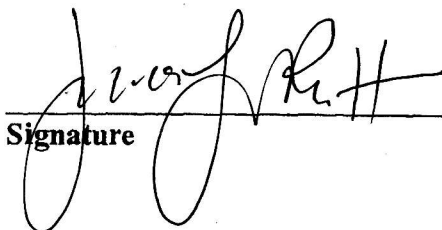
ERRATA SHEET

Page	Line	
<u>7</u>	<u>9</u>	Change: <u>degree</u> Reason: <u>should not be plural -degrees</u>
<u>9</u>	<u>17</u>	Change: <u>and San Diego</u> Reason: <u>currently says in San Diego</u>
<u>11</u>	<u>13</u>	Change: <u>Weimer</u> Reason: <u>Spelled in correctly</u>
<u>11</u>	<u>20</u>	Change: <u>Gayle</u> Reason: <u>Spelled in correctly</u>

Page	Line	Change:
<u>14</u>	<u>14</u>	Change: <u>staffing strategy for our team</u>
		Reason: <u>incorrectly captured</u>
		Change: <u>that includes our point...</u>
<u>27</u>	<u>20</u>	Reason: <u>incorrectly captured, clarifies</u>
		Change: <u>those to shift supervisors</u>
<u>33</u>	<u>6</u>	Reason: <u>incorrectly captured</u>
		Change: <u>to walk to my car</u>
<u>48</u>	<u>19</u>	Reason: <u>incorrectly captured</u>
		Change: <u>compensation should read</u>
<u>63</u>	<u>2</u>	Reason: <u>incorrectly captured</u> <u>expectation</u>
		Change: _____
_____	_____	Reason: _____
		Change: _____
_____	_____	Reason: _____
		Change: _____

X Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.


Signature

1/16/14
Date

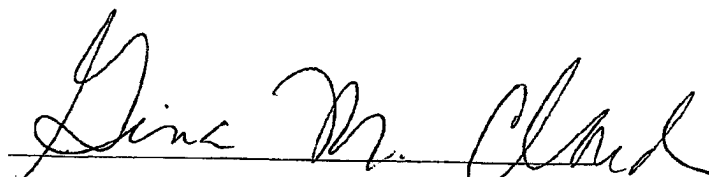
1 I, GINA M. CLOUD, a certified shorthand
2 reporter for the State of California, do hereby
3 certify:

4 that prior to being examined, the
5 witness named in the foregoing deposition, was by me
6 duly sworn to testify the truth, the whole truth,
7 and nothing but the truth pursuant to Section No.
8 2093 of the Code of Civil Procedure;

9 That said deposition was taken before
10 me pursuant to notice, at the time and place therein
11 set forth, and was taken down by me in shorthand and
12 thereafter reduced to typewriting via computer-aided
13 transcription under my direction;

14 I further certify that I am neither
15 counsel for, nor related to, any party to said
16 action, nor in anywise interested in the outcome
17 thereof.

18 IN WITNESS WHEREOF, I have hereunto
19 subscribed my name this 9th day of January,
20 2014.

21
22
23
24 

25 GINA M. CLOUD, CSR No. 6315